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8 Attorneys for Plaintiff

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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA, ) No.: CR 08-0358 PJH  
15 Plaintiff, )  
16 v. ) STIPULATION AND [PROPOSED]  
17 CLARENCE RUSTY TOMLIN, ) ORDER EXCLUDING TIME  
18 )  
19 Defendant. )

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21 On July 2, 2008 and July 23, 2008, the parties in this case appeared before the Court for  
22 status conferences. The parties stipulated and the Court agreed that time should be excluded  
23 from the Speedy Trial Act calculations from July 2, 2008, through August 6, 2008, for effective  
24 preparation of defense counsel. The parties represented that granting the continuance was the  
25 reasonable time necessary for effective preparation of defense counsel, taking into account the  
26 exercise of due diligence. *See* 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the  
27 ends of justice served by granting such a continuance outweighed the best interests of the public  
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STIP. & [PROPOSED] ORDER EXCLUDING TIME  
CASE NO. CR08-0358 PJH

1 and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(8)(A).

2 SO STIPULATED:

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4 JOSEPH P. RUSSONIELLO  
5 United States Attorney  
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9 OWEN P. MARTIKAN  
10 Assistant United States Attorney  
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14 BARRY J. PORTMAN  
15 Federal Public Defender  
16 Attorney for Clarence Rusty Tomlin  
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21 [PROPOSED] ORDER  
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23 As the Court found on July 2, 2008, and July 23, 2008, and for the reasons stated above, an  
24 exclusion of time from July 2, 2008, through August 6, 2008, is warranted because the ends of  
25 justice served by the continuance outweigh the best interests of the public and the defendant in a  
26 speedy trial. *See* 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance  
27 would deny defense counsel the reasonable time necessary for effective preparation, taking into  
28 account the exercise of due diligence, and would result in a miscarriage of justice. *See* 18 U.S.C.  
§3161(h)(8)(B)(iv).

SO ORDERED.

DATED: \_\_\_\_\_

HON. PHYLLIS J. HAMILTON  
United States District Judge